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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,909	01/15/2002	Santiago Romero	1.028A.01	3585

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EXAMINER

WHITE, CARMEN D

ART UNIT PAPER NUMBER

3714

DATE MAILED: 08/13/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,909

Applicant(s)

ROMERO, SANTIAGO

Examiner

Carmen D. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

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DETAILED ACTION

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 2, 3, 4, 5, 6, 7, 8, 16 and 23 (as well as claims 9-15, 17-22 and 24-28 which depend from these claims) are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 4, 6, 7, 8, 9, 10, 12 and 14 of copending Application No. 09/794,307. Although the

conflicting claims are not identical, they are not patentably distinct from each other.

While the claim language of the instant claims is slightly different than that of copending Application No. 09/794,307, the limitations of the instant claims are essentially disclosed in the claims of the copending application-particularly the feature of "a bonus payout".

Claims 1, 16, 23 and 24 (as well as 2-15, 17-22 and 25-28 which depend from these claims) are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10, 16, 15 and 19, respectively, of U.S. Patent No. 6,585,586. Although the conflicting claims are not identical, they are not patentably distinct from each other. While the claim language of the instant claims is slightly different than that of U.S. Patent No. 6,585,586, the limitations of the instant claims are essentially disclosed in the claims of the USPN.

Claims 16 and 23 (as well as claims 17-22 and 24-28 which depend from these claims) are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 22 and 23, respectively of U.S. Patent No. 6,582,302. Although the conflicting claims are not identical, they are not patentably distinct from each other. While the claim language of the instant claims is slightly different than that of U.S. Patent No. 6,582,302, the limitations of the instant claims are essentially disclosed in the claims of the USPN.

Claim 1 (as well as claims 2-15 which depend from this claim) is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. 6,293,864. Although the conflicting claims are not identical, they are not patentably distinct from each other. While the claim

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language of the instant claim is slightly different than that of U.S. Patent No. 6,293,864, the limitations of the instant claim are essentially disclosed in the claim of the USPN.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jacob** et al (5,395,119) in view of **Webb** (6,296,251).

Regarding claim 16, Jacob teaches a baccarat game that generates and designates a player's hand and a banker's hand in accordance with rules of baccarat and selectively adds cards to the player's and banker's hands in accordance with the conventional rules of baccarat and determines and designates a winner according to the final number count of the hand (abstract; Fig. 1A; Fig. 2A). Jacob is silent regarding the explicit teaching of the selection of the banker or player being in response to a user selection. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Jacob in order to give the player more control over his/her game. This merely involves the optional alteration of game rules to allow for player selection. Also, Jacob is silent regarding the feature of a computer processor assembly and a display. In a similar card gaming device that includes baccarat card games, Webb teaches these features (col. 4, lines 18-23 and 32-34). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include

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a computer processor and display to make it easier to receive and output data in the game system. This would also increase security in the game.

Regarding claims 17-22, Jacob and Webb teach all the limitations of the claims as discussed above. Jacob lacks the explicit disclosure of a user selection to designate the player or banker, as discussed above. Further, Jacob does not disclose the user selection before or after the generation of the player's hand. It would have been an obvious matter of choice, well within the functional capability of the Jacob gaming system to include this feature. This merely involves altering the rules of the game. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Jacobs to increase the control the player feels he/she has over the outcome. This would increase player participation in the game.

Claims 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jacob** et al (5,395,119) in view of **Webb** (6,296,251), further in view of **Yoseloff** (6,334,613).

Regarding claims 23-28, Jacob and Webb teach all the limitations of the claims as discussed above. However, Jacob and Webb lack the explicit disclosure of a bonus payout feature. In an analogous casino-type card game system, Yoseloff teaches a bonus payout made in a card game for the attainment of a particular hand (col. 3, lines 6-11). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the bonus of Yoseloff in Jacob and Webb to provide an added incentive for participants to play and wager on the game. This would increase player participation in the game. Further, with regard to the specific hand outcomes for

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increasing the bonus payout- it would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Jacob, Webb and Yoseloff in order to further increase the incentive for players to participate in the games. The examiner takes notice that it is well known in casino type games to offer various increased payouts depending on the odds of a certain outcome.

Allowable Subject Matter/Examiner Comment

As referenced in the prior parent cases, regarding claim 1, the feature of step e) *designating payment of at least the bonus payout when the total number count of at least two consecutive hands of the plurality of baccarat games are nine* is not taught in the prior art.

USPTO Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for unofficial communications and 703-305-3579 for official communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.


cdw



S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
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